

Senate, March 25, 1998. The Committee on General Law reported through SEN. COLAPIETRO, 31st DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CHILD CARE AT RETAIL FOOD STORES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 19a-77
2 of the general statutes, as amended by section 32
3 of public act 97-259, is repealed and the
4 following is substituted in lieu thereof:

5 (b) For registration and licensing
6 requirement purposes, child day care services
7 shall not include such services which are:

8 (1) [administered] ADMINISTERED by a public
9 school system; [,]

10 (2) [administered] ADMINISTERED by a private
11 school which is in compliance with section 10-188
12 and is approved by the State Board of Education or
13 is accredited by an accrediting agency recognized
14 by the State Board of Education; [,]

15 (3) [recreation] RECREATION operations such
16 as but not limited to library programs, boys' and
17 girls' clubs, church-related activities, scouting,
18 camping or community-youth programs; [,]

19 (4) [informal] INFORMAL arrangements among
20 neighbors or relatives in their own homes,
21 PROVIDED SUCH RELATIVES ARE LIMITED TO ANY OF THE
22 FOLLOWING DEGREES OF KINSHIP BY BLOOD OR MARRIAGE

23 TO THE CHILD BEING CARED FOR OR TO A PARENT OF THE
24 CHILD: CHILD, GRANDCHILD, SIBLING, NIECE, NEPHEW,
25 AUNT, UNCLE OR CHILD OF ONE'S AUNT OR UNCLE; [or]

26 (5) [drop-in] DROP-IN supplementary child
27 care operations where parents are on the premises
28 for educational or recreational purposes and the
29 child receives such care infrequently, PROVIDED
30 THE CHILD CARE OPERATION DOES NOT CHARGE A FEE FOR
31 ITS SERVICES AND THE CHILD CARE OPERATION DOES NOT
32 CALL OR REFER TO ITSELF AS A CHILD DAY CARE
33 CENTER; [. For purposes of subdivision (4) of this
34 subsection, the term "relative" is limited to any
35 of the following degrees of kinship by blood or
36 marriage to the child being cared for or to a
37 parent of the child: Child, grandchild, sibling,
38 niece, nephew, aunt, uncle or child of one's aunt
39 or uncle.] OR

40 (6) DROP-IN SUPPLEMENTARY CHILD CARE
41 OPERATIONS WHERE PARENTS ARE ON THE PREMISES FOR
42 RETAIL FOOD SHOPPING PURPOSES, IN ACCORDANCE WITH
43 SECTION 2 OF THIS ACT, PROVIDED THE CHILD CARE
44 OPERATION DOES NOT CHARGE A FEE FOR ITS SERVICES
45 AND THE CHILD CARE OPERATION DOES NOT CALL OR
46 REFER TO ITSELF AS A CHILD DAY CARE CENTER.

47 Sec. 2. (NEW) (a) During the period
48 commencing on the effective date of this act and
49 ending on October 1, 1999, any supermarket
50 primarily engaged in the retail sale of groceries
51 in this state may establish a drop-in
52 supplementary child care operation on the premises
53 of such supermarket in accordance with the
54 following requirements:

55 (1) The supermarket shall offer and conduct
56 such operation only between the hours of six
57 o'clock a.m. and nine o'clock p.m.;

58 (2) Any child receiving care at such
59 operation shall be not less than three years nor
60 more than ten years of age;

61 (3) The supermarket shall provide (A) at
62 least one child care staff person for every ten
63 children receiving care at such operation and (B)
64 at least one child care staff person who is twenty
65 years of age or older and has adequate experience
66 in providing child care;

67 (4) A child shall receive care at such
68 operation for not more than two hours per day per
69 child;

70 (5) The supermarket shall immediately notify
71 appropriate law enforcement or state agencies if
72 any child receiving care at such operation is not
73 picked up by a parent or guardian after three
74 hours;

75 (6) A parent or guardian shall be on the
76 premises of the supermarket for retail food
77 shopping purposes at all times while the child is
78 receiving care;

79 (7) The supermarket shall provide and
80 maintain a clean and secure area for such
81 operation that is free of hazards to the health
82 and safety of children receiving care at such
83 operation;

84 (8) The supermarket shall require adequate
85 verification of the immunization of a child prior
86 to furnishing care to such child at such
87 operation; and

88 (9) The supermarket, through local police
89 departments and the Division of State Police
90 within the Department of Public Safety, shall
91 conduct a background check for criminal offenses
92 and allegations of child abuse or neglect on all
93 such child care staff persons prior to the
94 utilization of such persons at such operation.

95 (b) Any supermarket that establishes a
96 drop-in supplementary child care operation under
97 subsection (a) of this section shall provide
98 written notice of such establishment to the
99 Commissioner of Public Health. The commissioner
100 may monitor and inspect such operations and may
101 investigate any complaint received by the
102 commissioner concerning any such operation. Not
103 later than February 1, 1999, the commissioner
104 shall submit a report to the joint standing
105 committees of the General Assembly having
106 cognizance of matters relating to consumer
107 protection and matters relating to health, in
108 accordance with section 11-4a of the general
109 statutes. Such report shall contain the total
110 number of such operations established in this
111 state, the total number and nature of any
112 complaints received by the commissioner concerning
113 any such operations, and any policy or legal
114 issues identified by the commissioner with respect
115 to the continuation of such operations in this
116 state.

117 Sec. 3. This act shall take effect from its
118 passage.

119 GL COMMITTEE VOTE: YEA 16 NAY 0 JFS

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER sSB 476

STATE IMPACT	Potential Minimal Cost, Can Be Absorbed Within Anticipated Budgetary Resources, see explanation below
MUNICIPAL IMPACT	Potential Minimal Cost, Can Be Absorbed Within Anticipated Budgetary Resources, see explanation below
STATE AGENCY(S)	Departments of Public Health, Public Safety

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The Department of Public Health does not currently license any drop-in retail based supplementary child care operations, therefore, no fiscal impact will result from excluding any such entity from registration and licensing requirements.

It is anticipated that the Department of Public Health will be able to produce the required report and perform discretionary monitoring activities within its anticipated budgetary resources.

A potential minimal cost, which can absorbed within anticipated budgetary resources, will result for the State Police and local law enforcement agencies in the course of conducting criminal background checks on job applicants and investigating reports made when children remain at the child care site for more than three hours.

* * * * *

OLR BILL ANALYSIS

sSB 476

AN ACT CONCERNING CHILD CARE AT RETAIL FOOD STORES

SUMMARY: This bill exempts retail supermarkets providing care for children whose parents are shopping on the premises from child care licensing requirements through October 1, 1999. It limits children's stays to two hours and requires supermarkets immediately to contact appropriate law enforcement authorities or state agencies if a child remains longer than three hours. It also requires them to conduct police background checks of potential child-care employees and to satisfy additional standards.

The bill prohibits such operations and similar operations involving parents' educational or recreational activities from (1) charging a fee and (2) holding themselves out as child day care centers.

It requires supermarkets to notify the Department of Public Health (DPH) when establishing an operation and authorizes the DPH to monitor, inspect, and investigate complaints. On or after February 1, 1999, the DPH commissioner must report to the Public Health and the General Law committees regarding the total number of operations established, the number and nature of complaints received, and any policy or legal issues with respect to allowing such operation to continue operating.

The bill makes technical changes.

EFFECTIVE DATE: Upon passage

FURTHER EXPLANATION**Background Checks**

The bill requires supermarket-based supplemental child care operations to investigate potential child-care employees for past criminal offenses and allegations of child abuse or neglect. The background checks must be conducted through local police departments and the State Police.

Additional Requirements

The bill requires supermarket-based supplemental child care operations to:

1. limit their hours of operations to 6 a.m. through 9 p.m.;
2. limit the age of the children from 3 to 10 years old;
3. maintain at least a 1:10 staff-to-child ratio (one staff person must be over age 19 and have child care experience);
4. maintain a clean, secure, and hazard-free area; and
5. verify that children have been immunized before providing care.

BACKGROUND**Child Day Care Center License and Registration**

Child day care services must be licensed or registered by DPH unless exempted. DPH regulations require services to confirm that children in their care have adequate, age-appropriate immunization and that the facility has at least 35 square feet of useable, indoor, free space for each child. The regulations also specify conditions under which a service may administer medicine to children in their care.

Other Exempt Child Care Operations

Five categories of child care operations are exempt from DPH licensing requirements: (1) services administered by a public school system, (2) services administered by an approved or accredited private school that reports to the commissioner of education, (3) recreational operations, (4) informal arrangements among neighbors or relatives, and (5) drop-in supplemental operations while parents are on the premises for recreational or educational purposes.

Related Bill

SHB 5409, favorably reported by the Public Health Committee, exempts drop-in supplemental child care operations that care for children while parents are on the premises for retail shopping purposes.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 0